

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF NORTH CAROLINA

KATRINA RENEE SURRATT,)	
)	
Petitioner,)	
)	1:20CV566
v.)	1:16CR13-2
)	
UNITED STATES OF AMERICA,)	
)	
Respondent.)	

ORDER

This matter is before this court for review of the Recommendation filed on June 24, 2020, by the Magistrate Judge in accordance with 28 U.S.C. § 636(b). (Doc. 77.) In the Recommendation, the Magistrate Judge recommends that Petitioner's motion to vacate, set aside, or correct sentence, (Doc. 76), be dismissed and that judgment be entered dismissing the action. The Recommendation was served on the parties to this action on June 24, 2020. (Doc. 78.) Petitioner filed timely objections, (Doc. 79), to the Recommendation.

This court is required to "make a de novo determination of those portions of the [Magistrate Judge's] report or specified proposed findings or recommendations to which objection is made." 28 U.S.C. § 636(b)(1). This court "may accept, reject, or modify, in whole or in part, the findings or recommendations

made by the [M]agistrate [J]udge. . . . [O]r recommit the matter to the [M]agistrate [J]udge with instructions." Id.

The court has appropriately reviewed the portions of the Magistrate Judge's Recommendation to which objection was made and has made a de novo determination which is in accord with the Magistrate Judge's report. The court therefore adopts the Magistrate Judge's Recommendation.

IT IS THEREFORE ORDERED that the Magistrate Judge's Recommendation, (Doc. 77), is **ADOPTED. IT IS FURTHER ORDERED** that Petitioner's motion to vacate, set aside, or correct section, (Doc. 76), is **DENIED**, and that this action is dismissed.

IT IS FURTHER ORDERED that Petitioner's motion requesting a copy of her response to the Magistrate Judge's Recommendation, (Doc. 81), is **GRANTED** and that the Clerk of Court is directed to send Petitioner a copy of her objections, (Doc. 79).

A Judgment dismissing this action will be entered contemporaneously with this Order. Finding no substantial issue for appeal concerning the denial of a constitutional right affecting the conviction, nor a debatable procedural ruling, a certificate of appealability is not issued.

This the 28th day of September, 2020.

William L. Osteen, Jr.
United States District Judge